

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TAMMY ANN TURNES,

Plaintiff,

Case No. 25-cv-515-pp

v.

LELAND DUDEK,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF THE FILING FEE (DKT. NO. 2)**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. She also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 2.

Federal law requires a person who files a complaint in federal court to pay \$405—a filing fee of \$350 (28 U.S.C. §1914(a)) and a \$55 administrative fee (Judicial Conference of the United States District Court Miscellaneous Fee Schedule Effective the December 1, 2023, #14). To allow the plaintiff to proceed without prepaying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts in the plaintiff's affidavit, the court concludes that she has the ability to pay the filing fee. The plaintiff's request indicates that she is not employed, that she is married and her husband is employed, and that she has no dependents she is responsible for supporting. Dkt. No. 2 at 1. The

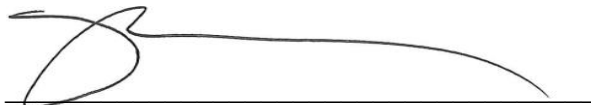
plaintiff's husband has monthly gross income of \$4,184. Id. at 2. The plaintiff's expenses total \$3,680 per month (\$650 car payment(s), \$1,000 credit card payment(s), \$2,030 other household expenses). Id. 2-3. The plaintiff owns two cars (a 2025 Chevy Silverado, worth approximately \$50,000 and a 2007 Pontiac G6, worth approximately \$1,000). Id. at 3. The plaintiff owns a home worth approximately \$120,000 and, although she lists no mortgage payment in her expenses, she indicates that there is no equity existing in the home. Id. The plaintiff states that she has \$10,000 in cash on hand or in a checking or savings account and that she and her husband have 401Ks totaling \$195,000. Id. at 3-4. Based on her husband's salary and the fact that she has approximately \$10,000 in cash or the equivalent available to her, the plaintiff has demonstrated that she has the disposable income to pay the \$405 fee.

Because the court concludes that the plaintiff has the ability to pay the filing fee, it need not determine at this time whether the case is frivolous.

The court **DENIES** the plaintiff's motion for leave to proceed without paying the filing fee. Dkt. No. 2. The court **ORDERS** that the plaintiff must pay the \$405 filing fee by the end of the day on **April 25, 2025**. If the court does not receive the fee in full by the end of the day on April 25, 2025, the court will dismiss the case on the following business day without further notice or hearing, for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 10th day of April, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge